

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
BOSTON DIVISION**

Musket Research Associates, Inc.,

Plaintiff,

v.

Ovion, Inc.,
William S. Tremulis, and
Jeffrey P. Callister,

Defendants.

Ovion, Inc.,

Counterclaimant,

v.

Musket Research Associates, Inc.,
David B. Musket, and
Sue Ann Latterman,

Counterdefendants.

Case No. 05-10416 MEL

**DEFENDANTS' MOTION TO COMPEL
THE MRA PARTIES TO (1) ANSWER INTERROGATORIES
AND (2) PRODUCE DOCUMENTS AND THINGS**

Pursuant to Rule 37 of the Federal Rules of Civil Procedure, Defendant and Counterclaimant Ovion, Inc. ("Ovion") and Defendants William S. Tremulis ("Mr. Tremulis") and Jeffrey P. Callister ("Mr. Callister") (collectively the "Ovion Parties") hereby move this Court to compel Plaintiff and Counterdefendant Musket Research Associates, Inc. ("MRA") and Counterdefendants David B. Musket ("Mr. Musket") and Sue Ann Latterman ("Ms. Latterman")

(collectively the “MRA Parties”) to answer interrogatories pursuant to Rule 33 and produce documents and things pursuant to Rule 34. Specifically, the Ovion Parties move the Court to compel the MRA Parties (a) to answer Ovion’s Interrogatory Nos. 1 and 2 and (b) to produce documents and things pursuant to Ovion’s Requests for Production Nos. 2, 3, 4, 9, 16, and 18.

The Ovion Parties have submitted herewith *Defendants’ Memorandum In Support Of Motion To Compel The MRA Parties To (1) Answer Interrogatories And (2) Produce Documents And Things* with Exhibits A — J. In addition, a *[Proposed] Order Granting Defendants’ Motion To Compel The MRA Parties To (1) Answer Interrogatories And (2) Produce Documents And Things* is attached hereto as Exhibit 1.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), the Ovion Parties request an oral argument on this motion. The Court has scheduled hearing on January 17, 2006, at 2:15 for Plaintiff’s motion for a protective order. The Ovion Parties respectfully request that the present motion be set for hearing at the same time for the sake of efficiency.

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WHEREFORE, Ovion, Inc. respectfully requests that the Court grant this motion and enter the *[Proposed] Order Granting Defendants’ Motion To Compel The MRA Parties To (1)*

Answer Interrogatories And (2) Produce Documents And Things, which is attached hereto as Exhibit 1.

Respectfully submitted,

Dated: December 16, 2005

By Leland G. Hansen
Leland G. Hansen
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*Attorneys for Defendant and Counterclaimant
Ovion, Inc. and Defendants William S. Tremulis
and Jeffrey P. Callister.*

Local Rule 37.1 Certification

I, Leland G. Hansen, certify that counsel for Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister, has complied with the provisions of Local Rule 37.1 and conferred with counsel for Musket Research Associates, Inc., David B. Musket, and Sue Ann Latterman in a good faith attempt to narrow the areas of disagreement between the parties. *See, e.g.*, Exhibits G and H attached to the memorandum filed in support of this motion.

Leland G. Hansen
Leland G. Hansen

Certificate of Service

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail on December 16, 2005.

Leland G. Hansen
Leland G. Hansen

OVION EXHIBIT 1

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**[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION
TO COMPEL THE MRA PARTIES TO (1) ANSWER
INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS**

This Court, having considered *Defendants' Motion To Compel The MRA Parties To (1) Answer Interrogatories And (2) Produce Documents And Things*, the memoranda in support of and in opposition to, and the records on file, hereby **ORDERS**:

Within 14 days of the date of this Order, Masket Research Associates, Inc., David B. Masket, and Sue Ann Latterman, shall fully and completely (1) answer Interrogatory Nos. 1 and

2 propounded by Ovion, Inc., and (2) produce documents and things pursuant to Ovion, Inc.'s Requests for Production Nos. 2, 3, 4, 9, 16, and 18.

Dated: _____

United State District Court Judge